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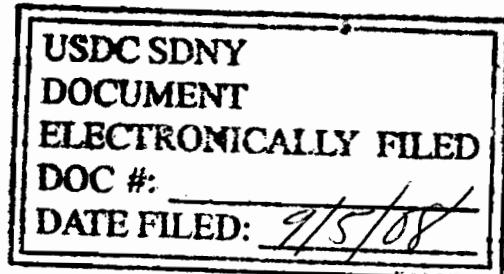
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COURTESY COPY

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FLORIO'S ENTERPRISES, INC. d/b/a : STIPULATION OF
FLORIO'S RESTAURANT; & 192 GRAND : DISCONTINUANCE
ST. CIGAR AND TRADING CO. INC., :
Plaintiffs. : 08 Civ. 5903 (SAS)(DF)
:
-----X-----
-against-
:
THE CITY OF NEW YORK; THE NEW YORK :
CITY DEPARTMENT OF HEALTH AND :
MENTAL HYGIENE; THE NEW YORK CITY :
DEPARTMENT OF HEALTH AND MENTAL :
HYGIENE TRIBUNAL; THE STATE OF NEW :
YORK; & THE NEW YORK STATE :
DEPARTMENT OF HEALTH, :
Defendants. :
-----X-----

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned
counsel for the plaintiffs and for the defendants State of New York and the New York State
Department of Health ("the State defendants") that the above-captioned action is withdrawn and
discontinued with prejudice as against the State defendants, and that the parties shall bear their
own attorneys' fees, costs, and disbursements.

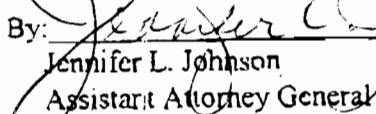


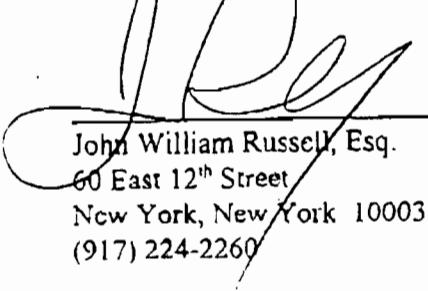
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IT IS ALSO FURTHER STIPULATED AND AGREED that facsimile signatures on this stipulation shall be deemed to be the originals.

DATED: August 28, 2008
New York, New York

ANDREW M. CUOMO
ATTORNEY GENERAL OF THE
STATE OF NEW YORK
Attorney for State Defendants
120 Broadway
New York, New York 10271
(212) 416-6211

By: 
Jennifer L. Johnson
Assistant Attorney General

DATED: 9/2/08
New York, New York

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New York, New York 10003
(917) 224-2260

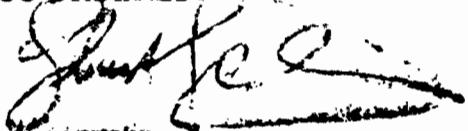
DATED: 9/2/08
New York, New York

Sidney Baumgarten, Esq.
355 South End Avenue
Battery Park City
New York, New York 10280
(646) 338-8371

Plaintiffs' Counsel

Plaintiffs' Counsel

SO ORDERED:



SHIRA A. SCHEINDLIN
U.S.D.J.

9/4/08